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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3355/20**

**Appeal** by David and Moira Anderson care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 3<sup>rd</sup> day of November, 2020 by Dublin City Council to grant subject to conditions a permission to Cindoor Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of the internal refurbishment of this existing ground floor restaurant over basement (305 square metres) within the five storeys over basement property known as D'Olier Chambers (a Protected Structure) to include replacement of existing external flues with new external flues that will be attached to the wall within the lightwell to the east of D'Olier Chambers and to the rear of Chaplins Bar; and internal refurbishment works that will include removal of existing seating and bar; and its replacement with new seating arrangement, new kitchen, including two pizza ovens; as well as internal ducting all at ground floor. No works are proposed at basement level, all at 16A D'Olier Chambers (which is a Protected Structure), D'Olier Street, Dublin, and on a wall within the lightwell to the rear of Chaplins Bar, 1 - 2 Hawkins Street, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016 - 2022, and to the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or affect the character of the Conservation Area or Protected Structure, or the existing amenities of other buildings or uses in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars submitted to An Bord Pleanála on the 30<sup>th</sup> day of November 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All proposed works to the protected structure, both internally and externally, shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with the requirements of the planning authority's Conservation Officer. Full details of any development on the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To secure the authentic preservation and the protection of the fabric, form and character of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. Details of all signage associated with the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to safeguard the amenities of the area and the protected structure.

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenities of the area, and to permit the planning authority to assess all signage on this site through the statutory planning process.

5. No additional development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and traffic management measures.

**Reason:** In the interests of public safety and residential amenity.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The developer shall comply with the requirements of the Environmental Health Section of the planning authority with regard to the installation and maintenance of the new ventilation system, ducts and flues. No emissions, including odours shall result in an impairment of, or an interference with, amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary and the LAeq level measured over 15 minutes (daytime) or five minutes (night time) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or five minutes night), by five decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

**Reason:** In the interests of the amenities of both the immediate neighbours and general surroundings.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**